

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Ohana Media Group, LLC)	File No. EB-FIELDWR-13-00009183
Owner of Antenna Structure No. 1005015)	NOV No. V201332780022
Anchorage, Alaska)	
)	

NOTICE OF VIOLATION

Released: July 3, 2013

By the Resident Agent, Anchorage Resident Agent Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's Rules,¹ to Ohana Media Group, LLC (Ohana), registrant of antenna structure #1005015 in Anchorage, Alaska. Pursuant to Section 1.89(a) of the Commission's Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On June 10 and June 11, 2013, an agent of the Enforcement Bureau's Anchorage Resident Agent Office inspected antenna structure #1005015 located off of 2241 Woodworth Circle, in Anchorage, Alaska, and observed the following violation:

- a. 47 C.F.R. § 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the FAA's painting and lighting recommendations set forth on the structure's FAA determination of "no hazard," as referenced in the . . . FAA Advisory Circulars . . ." Antenna structure #1005015 requires painting and lighting requirements as specified by FAA Chapters 4, 8, and 12 in accordance with FAA Circular Number 70/7460-1K. Chapter 8 requires the mounting at the top of the antenna structure, a dual lighting system that includes red lights for nighttime and medium intensity flashing white lights for daytime and twilight use. The agent inspected during daylight hours and failed to observe a top-mounted light flashing white.
- b. 47 C.F.R. § Section 17.48(a): "The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part shall report immediately by telephone or telegraph to the

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes.” On June 11, 2013, during daylight hours, the agent inspected the tower. The agent did not observe the top mounted light flashing white. The agent failed to locate a NOTAM issued against this antenna structure. The agent contacted Ohana and advised of the non-operational light; thereafter, Ohana initiated a NOTAM.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Ohana must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Commission's Rules, we direct Ohana to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Ohana with personal knowledge of the representations provided in Ohana's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

³ 47 U.S.C. §403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Commission's Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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Anchorage Resident Agent Office
P.O. Box 231949
Anchorage, Alaska 99523-1949

6. This Notice shall be sent to Ohana at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Marlene Windel
Resident Agent
Anchorage Resident Agent Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).